



Sen. Kimberly A. Lightford

Filed: 2/22/2006

09400SB2829sam001

LRB094 16378 NHT 56408 a

1 AMENDMENT TO SENATE BILL 2829

2 AMENDMENT NO. _____. Amend Senate Bill 2829 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 2-3.12, 2-3.25d, 2-3.25f, 2-3.25g, 2-3.59, 2-3.63, 2-3.64,
6 10-17, 10-21.9, 27-1, 29-5, and 34-18.5 as follows:

7 (105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)

8 Sec. 2-3.12. School building code.

9 (a) To prepare for school boards with the advice of the
10 Department of Public Health, the Capital Development Board, and
11 the State Fire Marshal a school building code that will
12 conserve the health and safety and general welfare of the
13 pupils and school personnel and others who use public school
14 facilities.

15 ~~The document known as "Efficient and Adequate Standards for~~
16 ~~the Construction of Schools" applies only to temporary school~~
17 ~~facilities, new school buildings, and additions to existing~~
18 ~~schools whose construction contracts are awarded after July 1,~~
19 ~~1965. On or before July 1, 1967, each school board shall have~~
20 ~~its school district buildings that were constructed prior to~~
21 ~~January 1, 1955, surveyed by an architect or engineer licensed~~
22 ~~in the State of Illinois as to minimum standards necessary to~~
23 ~~conserve the health and safety of the pupils enrolled in the~~
24 ~~school buildings of the district. Buildings constructed~~

1 ~~between January 1, 1955 and July 1, 1965, not owned by the~~
2 ~~State of Illinois, shall be surveyed by an architect or~~
3 ~~engineer licensed in the State of Illinois beginning 10 years~~
4 ~~after acceptance of the completed building by the school board.~~
5 ~~Buildings constructed between January 1, 1955 and July 1, 1955~~
6 ~~and previously exempt under the provisions of Section 35-27~~
7 ~~shall be surveyed prior to July 1, 1977 by an architect or~~
8 ~~engineer licensed in the State of Illinois. The architect or~~
9 ~~engineer, using the document known as "Building Specifications~~
10 ~~for Health and Safety in Public Schools" as a guide, shall make~~
11 ~~a report of the findings of the survey to the school board,~~
12 ~~giving priority in that report to fire safety problems and~~
13 ~~recommendations thereon if any such problems exist. The school~~
14 ~~board of each district so surveyed and receiving a report of~~
15 ~~needed recommendations to be made to improve standards of~~
16 ~~safety and health of the pupils enrolled has until July 1,~~
17 ~~1970, or in case of buildings not owned by the State of~~
18 ~~Illinois and completed between January 1, 1955 and July 1, 1965~~
19 ~~or in the case of buildings previously exempt under the~~
20 ~~provisions of Section 35-27 has a period of 3 years after the~~
21 ~~survey is commenced, to effectuate those recommendations,~~
22 ~~giving first attention to the recommendations in the survey~~
23 ~~report having priority status, and is authorized to levy the~~
24 ~~tax provided for in Section 17-2.11, according to the~~
25 ~~provisions of that Section, to make such improvements. School~~
26 ~~boards unable to effectuate those recommendations prior to July~~
27 ~~1, 1970, on July 1, 1980 in the case of buildings previously~~
28 ~~exempt under the provisions of Section 35-27, may petition the~~
29 ~~State Superintendent of Education upon the recommendation of~~
30 ~~the Regional Superintendent for an extension of time. The~~
31 ~~extension of time may be granted by the State Superintendent of~~
32 ~~Education for a period of one year, but may be extended from~~
33 ~~year to year provided substantial progress, in the opinion of~~
34 ~~the State Superintendent of Education, is being made toward~~

1 ~~compliance. For routine inspections, the State Fire Marshal or~~
2 ~~a qualified fire official to whom the State Fire Marshal has~~
3 ~~delegated his or her authority shall notify the Regional~~
4 ~~Superintendent, the district superintendent, and the principal~~
5 ~~of the school in advance to schedule a mutually agreed upon~~
6 ~~time for the fire safety check. However, no more than 2 routine~~
7 ~~inspections may be made in a calendar year.~~

8 (b) Within 2 years after September 23, ~~the effective date~~
9 ~~of this amendatory Act of 1983~~, and every 10 years thereafter,
10 or at such other times as the State Board of Education deems
11 necessary or the regional superintendent so orders, each school
12 board subject to the provisions of this Section shall again
13 survey its school buildings and effectuate any recommendations
14 in accordance with the procedures set forth herein.

15 (1) An architect or engineer licensed in the State of
16 Illinois is required to conduct the surveys under the
17 provisions of this Section and shall make a report of the
18 findings of the survey titled "safety survey report" to the
19 school board.

20 (2) The school board shall approve the safety survey
21 report, including any recommendations to effectuate
22 compliance with the code, and submit it to the Regional
23 Superintendent.

24 (3) The Regional Superintendent shall render a
25 decision regarding approval or denial and submit the safety
26 survey report to the State Superintendent of Education.

27 (4) The State Superintendent of Education shall
28 approve or deny the report including recommendations to
29 effectuate compliance with the code and, if approved, issue
30 a certificate of approval.

31 (5) Upon receipt of the certificate of approval, the
32 Regional Superintendent shall issue an order to effect any
33 approved recommendations included in the report. The
34 report shall meet all of the following requirements:

1 (A) Items in the report shall be prioritized.

2 (B) Urgent items shall be considered as those items
3 related to life safety problems that present an
4 immediate hazard to the safety of students.

5 (C) Required items shall be considered as those
6 items that are necessary for a safe environment but
7 present less of an immediate hazard to the safety of
8 students.

9 (D) Urgent and required items shall reference a
10 specific rule in the code authorized by this Section
11 that is currently being violated or will be violated
12 within the next 12 months if the violation is not
13 remedied.

14 (6) The school board of each district so surveyed and
15 receiving a report of needed recommendations to be made to
16 maintain standards of safety and health of the pupils
17 enrolled shall effectuate the correction of urgent items as
18 soon as achievable to ensure the safety of the students,
19 but in no case more than one year after the date of the
20 State Superintendent of Education's approval of the
21 recommendation.

22 (7) Required items shall be corrected in a timely
23 manner, but in no case more than 5 years from the date of
24 the State Superintendent of Education's approval of the
25 recommendation.

26 (8) Once each year the school board shall submit a
27 report of progress on completion of any recommendations to
28 effectuate compliance with the code. ~~For each year that the~~
29 ~~school board does not effectuate any or all approved~~
30 ~~recommendations, it shall petition the Regional~~
31 ~~Superintendent and the State Superintendent of Education~~
32 ~~detailing what work was completed in the previous year and~~
33 ~~a work plan for completion of the remaining work. If in the~~
34 ~~judgement of the Regional Superintendent and the State~~

1 ~~Superintendent of Education substantial progress has been~~
2 ~~made and just cause has been shown by the school board, the~~
3 ~~petition for a one year extension of time may be approved.~~

4 (c) As soon as practicable, but not later than 2 years
5 after January 1, 1993 ~~the effective date of this amendatory Act~~
6 ~~of 1992~~, the State Board of Education shall combine the
7 document known as "Efficient and Adequate Standards for the
8 Construction of Schools" with the document known as "Building
9 Specifications for Health and Safety in Public Schools"
10 together with any modifications or additions that may be deemed
11 necessary. The combined document shall be known as the
12 "Health/Life Safety Code for Public Schools" and shall be the
13 governing code for all facilities that house public school
14 students or are otherwise used for public school purposes,
15 whether such facilities are permanent or temporary and whether
16 they are owned, leased, rented, or otherwise used by the
17 district. Facilities owned by a school district but that are
18 not used to house public school students or are not used for
19 public school purposes shall be governed by separate provisions
20 within the code authorized by this Section.

21 (d) The 10 year survey cycle specified in this Section
22 shall continue to apply based upon the standards contained in
23 the "Health/Life Safety Code for Public Schools", which shall
24 specify building standards for buildings that are constructed
25 prior to January 1, 1993 ~~the effective date of this amendatory~~
26 ~~Act of 1992~~ and for buildings that are constructed after that
27 date.

28 (e) The "Health/Life Safety Code for Public Schools" shall
29 be the governing code for public schools; however, the
30 provisions of this Section shall not preclude inspection of
31 school premises and buildings pursuant to Section 9 of the Fire
32 Investigation Act, provided that the provisions of the
33 "Health/Life Safety Code for Public Schools", or such
34 predecessor document authorized by this Section as may be

1 applicable are used, and provided that those inspections are
2 coordinated with the Regional Superintendent having
3 jurisdiction over the public school facility.

4 (f) Nothing in this Section shall be construed to prohibit
5 the State Fire Marshal or a qualified fire official to whom the
6 State Fire Marshal has delegated his or her authority from
7 conducting a fire safety check in a public school.

8 (g) The Regional Superintendent shall address any
9 violations that are not corrected in a timely manner pursuant
10 to subsection (b) of Section 3-14.21 of this Code.

11 (h) Any agency having jurisdiction beyond the scope of the
12 applicable document authorized by this Section may issue a
13 lawful order to a school board to effectuate recommendations,
14 and the school board receiving the order shall certify to the
15 Regional Superintendent and the State Superintendent of
16 Education when it has complied with the order.

17 (i) The State Board of Education is authorized to adopt any
18 rules that are necessary relating to the administration and
19 enforcement of the provisions of this Section.

20 (j) The code authorized by this Section shall apply only to
21 those school districts having a population of less than 500,000
22 inhabitants.

23 (k) In this Section, a "qualified fire official" means an
24 individual that meets the requirements of rules adopted by the
25 State Fire Marshal in cooperation with the State Board of
26 Education to administer this Section. These rules shall be
27 based on recommendations made by the task force established
28 under Section 2-3.137 of this Code.

29 (Source: P.A. 94-225, eff. 7-14-05.)

30 (105 ILCS 5/2-3.25d) (from Ch. 122, par. 2-3.25d)

31 Sec. 2-3.25d. Academic early warning and watch status.

32 (a) Beginning with the 2005-2006 school year, unless the
33 federal government formally disapproves of such policy through

1 the submission and review process for the Illinois
2 Accountability Workbook, those schools that do not meet
3 adequate yearly progress criteria for 2 consecutive annual
4 calculations in the same subgroup and in the same subject or in
5 their participation rate, attendance rate, or graduation rate
6 shall be placed on academic early warning status for the next
7 school year. Schools on academic early warning status that do
8 not meet adequate yearly progress criteria for a third annual
9 calculation in the same subgroup and in the same subject or in
10 their participation rate, attendance rate, or graduation rate
11 shall remain on academic early warning status. Schools on
12 academic early warning status that do not meet adequate yearly
13 progress criteria for a fourth annual calculation in the same
14 subgroup and in the same subject or in their participation
15 rate, attendance rate, or graduation rate shall be placed on
16 initial academic watch status. Schools on academic watch status
17 that do not meet adequate yearly progress criteria for a fifth
18 or subsequent annual calculation in the same subgroup and in
19 the same subject or in their participation rate, attendance
20 rate, or graduation rate shall remain on academic watch status.
21 Schools on academic early warning or academic watch status that
22 meet adequate yearly progress criteria for one annual
23 calculation shall be considered as having met expectations and
24 shall be removed from any status designation.

25 The school district of a school placed on either academic
26 early warning status or academic watch status may appeal the
27 status to the State Board of Education in accordance with
28 Section 2-3.25m of this Code.

29 A school district that has one or more schools on academic
30 early warning or academic watch status shall prepare a revised
31 School Improvement Plan or amendments thereto setting forth the
32 district's expectations for removing each school from academic
33 early warning or academic watch status and for improving
34 student performance in the affected school or schools.

1 Districts operating under Article 34 of this Code may prepare
2 the School Improvement Plan required under Section 34-2.4 of
3 this Code.

4 The revised School Improvement Plan for a school that is
5 initially placed on academic early warning status or that
6 remains on academic early warning status after a third annual
7 calculation must be approved by the school board (and by the
8 school's local school council in a district operating under
9 Article 34 of this Code, unless the school is on probation
10 pursuant to subsection (c) of Section 34-8.3 of this Code).

11 The revised School Improvement Plan for a school that is
12 initially placed on ~~initial~~ academic watch status after a
13 fourth annual calculation must be approved by the school board
14 (and by the school's local school council in a district
15 operating under Article 34 of this Code, unless the school is
16 on probation pursuant to subsection (c) of Section 34-8.3 of
17 this Code) ~~and the State Superintendent of Education.~~

18 The revised School Improvement Plan for a school that
19 remains on academic watch status after a fifth annual
20 calculation must be approved by the school board (and by the
21 school's local school council in a district operating under
22 Article 34 of this Code, unless the school is on probation
23 pursuant to subsection (c) of Section 34-8.3 of this Code) ~~and~~
24 ~~the State Superintendent of Education.~~ In addition, the
25 district must develop a school restructuring plan for the
26 school that must be approved by the school board (and by the
27 school's local school council in a district operating under
28 Article 34 of this Code) ~~and subsequently approved by the State~~
29 ~~Superintendent of Education.~~

30 A school on academic watch status that does not meet
31 adequate yearly progress criteria for a sixth annual
32 calculation shall implement its approved school restructuring
33 plan beginning with the next school year, subject to the State
34 interventions specified in Section 2-3.25f of this Code.

1 (b) Beginning with the 2005-2006 school year, unless the
2 federal government formally disapproves of such policy through
3 the submission and review process for the Illinois
4 Accountability Workbook, those school districts that do not
5 meet adequate yearly progress criteria for 2 consecutive annual
6 calculations in the same subgroup and in the same subject or in
7 their participation rate, attendance rate, or graduation rate
8 shall be placed on academic early warning status for the next
9 school year. Districts on academic early warning status that do
10 not meet adequate yearly progress criteria for a third annual
11 calculation in the same subgroup and in the same subject or in
12 their participation rate, attendance rate, or graduation rate
13 shall remain on academic early warning status. Districts on
14 academic early warning status that do not meet adequate yearly
15 progress criteria for a fourth annual calculation in the same
16 subgroup and in the same subject or in their participation
17 rate, attendance rate, or graduation rate shall be placed on
18 initial academic watch status. Districts on academic watch
19 status that do not meet adequate yearly progress criteria for a
20 fifth or subsequent annual calculation in the same subgroup and
21 in the same subject or in their participation rate, attendance
22 rate, or graduation rate shall remain on academic watch status.
23 Districts on academic early warning or academic watch status
24 that meet adequate yearly progress criteria for one annual
25 calculation shall be considered as having met expectations and
26 shall be removed from any status designation.

27 A district placed on either academic early warning status
28 or academic watch status may appeal the status to the State
29 Board of Education in accordance with Section 2-3.25m of this
30 Code.

31 Districts on academic early warning or academic watch
32 status shall prepare a District Improvement Plan or amendments
33 thereto setting forth the district's expectations for removing
34 the district from academic early warning or academic watch

1 status and for improving student performance in the district.

2 ~~All The District Improvement Plans Plan for a district that~~
3 ~~is initially placed on academic early warning status~~ must be
4 approved by the school board.

5 ~~The revised District Improvement Plan for a district that~~
6 ~~remains on academic early warning status after a third annual~~
7 ~~calculation must be approved by the school board.~~

8 ~~The revised District Improvement Plan for a district on~~
9 ~~initial academic watch status after a fourth annual calculation~~
10 ~~must be approved by the school board and the State~~
11 ~~Superintendent of Education.~~

12 ~~The revised District Improvement Plan for a district that~~
13 ~~remains on academic watch status after a fifth annual~~
14 ~~calculation must be approved by the school board and the State~~
15 ~~Superintendent of Education. In addition, the district must~~
16 ~~develop a district restructuring plan that must be approved by~~
17 ~~the school board and the State Superintendent of Education.~~

18 ~~A district on academic watch status that does not meet~~
19 ~~adequate yearly progress criteria for a sixth annual~~
20 ~~calculation shall implement its approved district~~
21 ~~restructuring plan beginning with the next school year, subject~~
22 ~~to the State interventions specified in Section 2-3.25f of this~~
23 ~~Code.~~

24 (c) All revised School and District Improvement Plans shall
25 be developed in collaboration with parents, staff in the
26 affected school or school district, and outside experts. All
27 revised School and District Improvement Plans shall be
28 developed, submitted, and monitored ~~approved~~ pursuant to rules
29 adopted by the State Board of Education. The revised
30 Improvement Plan shall address measurable outcomes for
31 improving student performance so that such performance meets
32 adequate yearly progress criteria as specified by the State
33 Board of Education. All school districts required to revise a
34 School Improvement Plan in accordance with this Section shall

1 establish a peer review process for the evaluation of School
2 Improvement Plans.

3 (d) All federal requirements apply to schools and school
4 districts utilizing federal funds under Title I, Part A of the
5 federal Elementary and Secondary Education Act of 1965.

6 (e) The State Board of Education, from any moneys it may
7 have available for this purpose, must implement and administer
8 a grant program that provides 2-year grants to school districts
9 on the academic watch list and other school districts that have
10 the lowest achieving students, as determined by the State Board
11 of Education, to be used to improve student achievement. In
12 order to receive a grant under this program, a school district
13 must establish an accountability program. The accountability
14 program must involve the use of statewide testing standards and
15 local evaluation measures. A grant shall be automatically
16 renewed when achievement goals are met. The Board may adopt any
17 rules necessary to implement and administer this grant program.
18 (Source: P.A. 93-470, eff. 8-8-03; 93-890, eff. 8-9-04; 94-666,
19 eff. 8-23-05.)

20 (105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)

21 Sec. 2-3.25f. State interventions.

22 (a) ~~A school or school district must submit the required~~
23 ~~revised Improvement Plan pursuant to rules adopted by the State~~
24 ~~Board of Education.~~ The State Board of Education shall provide
25 technical assistance to assist with the development and
26 implementation of School and District Improvement Plans ~~the~~
27 ~~improvement plan.~~

28 Schools or school districts that fail to make reasonable
29 efforts to implement an approved Improvement Plan may suffer
30 loss of State funds by school district, attendance center, or
31 program as the State Board of Education deems appropriate.

32 (b) In addition, if after 3 years following its placement
33 on academic watch status a school district or school remains on

1 academic watch status, the State Board of Education shall take
2 one of the following actions for the district or school:

3 (1) The State Board of Education may authorize the
4 State Superintendent of Education to direct the regional
5 superintendent of schools to remove school board members
6 pursuant to Section 3-14.28 of this Code. Prior to such
7 direction the State Board of Education shall permit members
8 of the local board of education to present written and oral
9 comments to the State Board of Education. The State Board
10 of Education may direct the State Superintendent of
11 Education to appoint an Independent Authority that shall
12 exercise such powers and duties as may be necessary to
13 operate a school or school district for purposes of
14 improving pupil performance and school improvement. The
15 State Superintendent of Education shall designate one
16 member of the Independent Authority to serve as chairman.
17 The Independent Authority shall serve for a period of time
18 specified by the State Board of Education upon the
19 recommendation of the State Superintendent of Education.

20 (2) The State Board of Education may (A) change the
21 recognition status of the school district or school to
22 nonrecognized, or (B) authorize the State Superintendent
23 of Education to direct the reassignment of pupils or direct
24 the reassignment or replacement of school district
25 personnel who are relevant to the failure to meet adequate
26 yearly progress criteria. If a school district is
27 nonrecognized in its entirety, it shall automatically be
28 dissolved on July 1 following that nonrecognition and its
29 territory realigned with another school district or
30 districts by the regional board of school trustees in
31 accordance with the procedures set forth in Section 7-11 of
32 the School Code. The effective date of the nonrecognition
33 of a school shall be July 1 following the nonrecognition.

34 (c) All federal requirements apply to schools and school

1 districts utilizing federal funds under Title I, Part A of the
2 federal Elementary and Secondary Education Act of 1965.

3 (Source: P.A. 93-470, eff. 8-8-03.)

4 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

5 Sec. 2-3.25g. Waiver or modification of mandates within the
6 School Code and administrative rules and regulations.

7 (a) In this Section:

8 "Board" means a school board or the governing board or
9 administrative district, as the case may be, for a joint
10 agreement.

11 "Eligible applicant" means a school district, joint
12 agreement made up of school districts, or regional
13 superintendent of schools on behalf of schools and programs
14 operated by the regional office of education.

15 "State Board" means the State Board of Education.

16 (b) Notwithstanding any other provisions of this School
17 Code or any other law of this State to the contrary, eligible
18 applicants may petition the State Board of Education for the
19 waiver or modification of the mandates of this School Code or
20 of the administrative rules and regulations promulgated by the
21 State Board of Education. Waivers or modifications of
22 administrative rules and regulations and modifications of
23 mandates of this School Code may be requested when an eligible
24 applicant demonstrates that it can address the intent of the
25 rule or mandate in a more effective, efficient, or economical
26 manner or when necessary to stimulate innovation or improve
27 student performance. Waivers of mandates of the School Code may
28 be requested when the waivers are necessary to stimulate
29 innovation or improve student performance. Waivers may not be
30 requested from laws, rules, and regulations pertaining to
31 special education, teacher certification, teacher tenure and
32 seniority, or Section 5-2.1 of this Code or from compliance
33 with the No Child Left Behind Act of 2001 (Public Law 107-110).

1 (c) Eligible applicants, as a matter of inherent managerial
2 policy, and any Independent Authority established under
3 Section 2-3.25f may submit an application for a waiver or
4 modification authorized under this Section. Each application
5 must include a written request by the eligible applicant or
6 Independent Authority and must demonstrate that the intent of
7 the mandate can be addressed in a more effective, efficient, or
8 economical manner or be based upon a specific plan for improved
9 student performance and school improvement. Any eligible
10 applicant requesting a waiver or modification for the reason
11 that intent of the mandate can be addressed in a more
12 economical manner shall include in the application a fiscal
13 analysis showing current expenditures on the mandate and
14 projected savings resulting from the waiver or modification.
15 Applications and plans developed by eligible applicants must be
16 approved by the board or regional superintendent of schools
17 applying on behalf of schools or programs operated by the
18 regional office of education following a public hearing on the
19 application and plan and the opportunity for the board or
20 regional superintendent to hear testimony from staff ~~educators~~
21 directly involved in its implementation, parents, and
22 students. The time period for such testimony shall be separate
23 from the time period established by the eligible applicant for
24 public comment on other matters. If the applicant is a school
25 district or joint agreement requesting a waiver or modification
26 of Section 27-6 of this Code, the public hearing shall be held
27 on a day other than the day on which a regular meeting of the
28 board is held. ~~If the applicant is a school district or joint~~
29 ~~agreement, the public hearing shall be held on a day other than~~
30 ~~the day on which a regular meeting of the board is held.~~ If the
31 applicant is a school district, the public hearing must be
32 preceded by at least one published notice occurring at least 7
33 days prior to the hearing in a newspaper of general circulation
34 within the school district that sets forth the time, date,

1 place, and general subject matter of the hearing. If the
2 applicant is a joint agreement or regional superintendent, the
3 public hearing must be preceded by at least one published
4 notice (setting forth the time, date, place, and general
5 subject matter of the hearing) occurring at least 7 days prior
6 to the hearing in a newspaper of general circulation in each
7 school district that is a member of the joint agreement or that
8 is served by the educational service region, provided that a
9 notice appearing in a newspaper generally circulated in more
10 than one school district shall be deemed to fulfill this
11 requirement with respect to all of the affected districts. The
12 eligible applicant must notify in writing the affected
13 exclusive collective bargaining agent and those State
14 legislators representing the eligible applicant's territory of
15 its intent to seek approval of a waiver or modification and of
16 the hearing to be held to take testimony from staff ~~educators~~.
17 The affected exclusive collective bargaining agents shall be
18 notified of such public hearing at least 7 days prior to the
19 date of the hearing and shall be allowed to attend such public
20 hearing. The eligible applicant shall attest to compliance with
21 all of the notification and procedural requirements set forth
22 in this Section.

23 (d) A request for a waiver or modification of
24 administrative rules and regulations or for a modification of
25 mandates contained in this School Code shall be submitted to
26 the State Board of Education within 15 days after approval by
27 the board or regional superintendent of schools. The
28 application as submitted to the State Board of Education shall
29 include a description of the public hearing. Following receipt
30 of the request, the State Board shall have 45 days to review
31 the application and request. If the State Board fails to
32 disapprove the application within that 45 day period, the
33 waiver or modification shall be deemed granted. The State Board
34 may disapprove any request if it is not based upon sound

1 educational practices, endangers the health or safety of
2 students or staff, compromises equal opportunities for
3 learning, or fails to demonstrate that the intent of the rule
4 or mandate can be addressed in a more effective, efficient, or
5 economical manner or have improved student performance as a
6 primary goal. Any request disapproved by the State Board may be
7 appealed to the General Assembly by the eligible applicant as
8 outlined in this Section.

9 A request for a waiver from mandates contained in this
10 School Code shall be submitted to the State Board within 15
11 days after approval by the board or regional superintendent of
12 schools. The application as submitted to the State Board of
13 Education shall include a description of the public hearing.
14 The description shall include, but need not be limited to, the
15 means of notice, the number of people in attendance, the number
16 of people who spoke as proponents or opponents of the waiver, a
17 brief description of their comments, and whether there were any
18 written statements submitted. The State Board shall review the
19 applications and requests for completeness and shall compile
20 the requests in reports to be filed with the General Assembly.
21 The State Board shall file reports outlining the waivers
22 requested by eligible applicants and appeals by eligible
23 applicants of requests disapproved by the State Board with the
24 Senate and the House of Representatives before each March 1 and
25 October 1. The General Assembly may disapprove the report of
26 the State Board in whole or in part within 60 calendar days
27 after each house of the General Assembly next convenes after
28 the report is filed by adoption of a resolution by a record
29 vote of the majority of members elected in each house. If the
30 General Assembly fails to disapprove any waiver request or
31 appealed request within such 60 day period, the waiver or
32 modification shall be deemed granted. Any resolution adopted by
33 the General Assembly disapproving a report of the State Board
34 in whole or in part shall be binding on the State Board.

1 (e) An approved waiver or modification may remain in effect
2 for a period not to exceed 5 school years and may be renewed
3 upon application by the eligible applicant. However, such
4 waiver or modification may be changed within that 5-year period
5 by a board or regional superintendent of schools applying on
6 behalf of schools or programs operated by the regional office
7 of education following the procedure as set forth in this
8 Section for the initial waiver or modification request. If
9 neither the State Board of Education nor the General Assembly
10 disapproves, the change is deemed granted.

11 (f) On or before February 1, 1998, and each year
12 thereafter, the State Board of Education shall submit a
13 cumulative report summarizing all types of waivers of mandates
14 and modifications of mandates granted by the State Board or the
15 General Assembly. The report shall identify the topic of the
16 waiver along with the number and percentage of eligible
17 applicants for which the waiver has been granted. The report
18 shall also include any recommendations from the State Board
19 regarding the repeal or modification of waived mandates.

20 (Source: P.A. 93-470, eff. 8-8-03; 93-557, eff. 8-20-03;
21 93-707, eff. 7-9-04; 94-198, eff. 1-1-06; 94-432, eff. 8-2-05;
22 revised 8-19-05.)

23 (105 ILCS 5/2-3.59) (from Ch. 122, par. 2-3.59)

24 Sec. 2-3.59. Staff development programs. School districts,
25 cooperatives or joint agreements with a governing board or
26 board of control, administrative agents for educational
27 service centers, and regional superintendents acting on behalf
28 of such entities shall conduct staff development programs and
29 may contract with not-for-profit organizations to conduct
30 summer staff development program institutes which specify
31 outcome goals, including the improvement of specific
32 instructional competencies, and which conform to locally
33 developed plans. ~~The State Board of Education shall approve all~~

1 ~~staff development plans developed under this Section.~~
2 ~~Following approval of such plans, the State Board of Education~~
3 ~~shall provide State funds, appropriated for this purpose, to~~
4 ~~aid in conducting and contracting with not for profit~~
5 ~~organizations to conduct such programs.~~

6 (Source: P.A. 84-1220; 84-1283; 84-1438.)

7 (105 ILCS 5/2-3.63) (from Ch. 122, par. 2-3.63)

8 Sec. 2-3.63. Local learning objectives and assessment.
9 ~~Each~~ The State Board of Education shall require each school
10 district may ~~to~~ set student learning objectives which meet or
11 exceed goals established by the State and to also establish
12 local goals for excellence in education. If established, such
13 ~~Such~~ objectives and goals shall be disseminated to the public
14 along with information on the degree to which they are being
15 achieved, and if not, what appropriate actions are being taken.
16 As part of its local assessment system each district shall
17 identify the grade levels used to document progress to parents,
18 the community, and the State in all the fundamental learning
19 areas described in Section 27-1. ~~There shall be at least 2~~
20 ~~grade levels in each fundamental learning area before high~~
21 ~~school and at least one grade level during high school. The~~
22 ~~grades identified for each learning area shall be defined in~~
23 ~~the district's school improvement plan by June 30, 1993, and~~
24 ~~may be changed only upon approval by the State Superintendent~~
25 ~~of Education. The State Board of Education shall establish a~~
26 ~~process for approving local objectives mentioned in this~~
27 ~~Section; for approving local plans for improvement; for~~
28 ~~approving public reporting procedures; and for recognition and~~
29 ~~commendation of top achieving districts. To the extent that a~~
30 ~~local plan for improvement or school improvement plan required~~
31 ~~by the State Board of Education includes developing either~~
32 ~~individual school plans for improvement or individual school~~
33 ~~improvement plans, a school in a district operating under~~

1 ~~Article 34 of the School Code may submit the school improvement~~
2 ~~plan required under Section 34-2.4 and this plan shall address~~
3 ~~and meet improvement plan requirements set forth both by the~~
4 ~~State Board of Education and by Section 32-2.4.~~

5 (Source: P.A. 87-934; 88-686, eff. 1-24-95.)

6 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

7 Sec. 2-3.64. State goals and assessment.

8 (a) Beginning in the 1998-1999 school year, the State Board
9 of Education shall establish standards and periodically, in
10 collaboration with local school districts, conduct studies of
11 student performance in the learning areas of fine arts and
12 physical development/health.

13 Beginning with the 1998-1999 school year until the
14 2004-2005 school year, the State Board of Education shall
15 annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th
16 grades in English language arts (reading, writing, and English
17 grammar) and mathematics; and (ii) all pupils enrolled in the
18 4th and 7th grades in the biological and physical sciences and
19 the social sciences (history, geography, civics, economics,
20 and government). Unless the testing required to be implemented
21 no later than the 2005-2006 school year under this subsection
22 (a) is implemented for the 2004-2005 school year, for the
23 2004-2005 school year, the State Board of Education shall test:
24 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in
25 English language arts (reading and English grammar) and
26 mathematics and (ii) all pupils enrolled in the 4th and 7th
27 grades in the biological and physical sciences. The maximum
28 time allowed for all actual testing required under this
29 paragraph shall not exceed 25 hours, as allocated among the
30 required tests by the State Board of Education, across all
31 grades tested.

32 Beginning no later than the 2005-2006 school year, the
33 State Board of Education shall annually test: (i) all pupils

1 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
2 reading and mathematics and (ii) all pupils enrolled in the 4th
3 and 7th grades in the biological and physical sciences. In
4 addition, the State Board of Education shall test (1) all
5 pupils enrolled in the 5th and 8th grades in writing during the
6 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,
7 and 8th grades in writing during the 2007-2008 school year; and
8 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in
9 writing during the 2008-2009 school year and each school year
10 thereafter. After the addition of grades and change in subjects
11 as delineated in this paragraph and including whatever other
12 tests that may be approved from time to time no later than the
13 2005-2006 school year, the maximum time allowed for all State
14 testing in grades 3 through 8 shall not exceed 38 hours across
15 those grades.

16 Beginning with the 2004-2005 school year, the State Board
17 of Education shall not test pupils under this subsection (a) in
18 physical development and health, fine arts, and the social
19 sciences (history, geography, civics, economics, and
20 government). The State Board of Education shall not test pupils
21 under this subsection (a) in writing during the 2005-2006
22 school year.

23 The State Board of Education shall establish the academic
24 standards that are to be applicable to pupils who are subject
25 to State tests under this Section beginning with the 1998-1999
26 school year. However, the State Board of Education shall not
27 establish any such standards in final form without first
28 providing opportunities for public participation and local
29 input in the development of the final academic standards. Those
30 opportunities shall include a well-publicized period of public
31 comment, public hearings throughout the State, and
32 opportunities to file written comments. Beginning with the
33 1998-99 school year and thereafter, the State tests will
34 identify pupils in the 3rd grade or 5th grade who do not meet

1 the State standards.

2 If, by performance on the State tests or local assessments
3 or by teacher judgment, a student's performance is determined
4 to be 2 or more grades below current placement, the student
5 shall be provided a remediation program developed by the
6 district in consultation with a parent or guardian. Such
7 remediation programs may include, but shall not be limited to,
8 increased or concentrated instructional time, a remedial
9 summer school program of not less than 90 hours, improved
10 instructional approaches, tutorial sessions, retention in
11 grade, and modifications to instructional materials. Each
12 pupil for whom a remediation program is developed under this
13 subsection shall be required to enroll in and attend whatever
14 program the district determines is appropriate for the pupil.
15 Districts may combine students in remediation programs where
16 appropriate and may cooperate with other districts in the
17 design and delivery of those programs. The parent or guardian
18 of a student required to attend a remediation program under
19 this Section shall be given written notice of that requirement
20 by the school district a reasonable time prior to commencement
21 of the remediation program that the student is to attend. The
22 State shall be responsible for providing school districts with
23 the new and additional funding, under Section 2-3.51.5 or by
24 other or additional means, that is required to enable the
25 districts to operate remediation programs for the pupils who
26 are required to enroll in and attend those programs under this
27 Section. Every individualized educational program as described
28 in Article 14 shall identify if the State test or components
29 thereof are appropriate for that student. The State Board of
30 Education shall develop rules and regulations governing the
31 administration of alternative tests prescribed within each
32 student's individualized educational program which are
33 appropriate to the disability of each student.

34 All pupils who are in a State approved transitional

1 bilingual education program or transitional program of
2 instruction shall participate in the State tests. The time
3 allotted to take the State tests, however, may be extended as
4 determined by the State Board of Education by rule. Any student
5 who has been enrolled in a State approved bilingual education
6 program less than 3 cumulative academic years may take an
7 accommodated Limited English Proficient student academic
8 content assessment, as determined by the State Board of
9 Education, if the student's lack of English as determined by an
10 English language proficiency test would keep the student from
11 understanding the regular State test. If the school district
12 determines, on a case-by-case individual basis, that a Limited
13 English Proficient student academic content assessment would
14 likely yield more accurate and reliable information on what the
15 student knows and can do, the school district may make a
16 determination to assess the student using a Limited English
17 Proficient student academic content assessment for a period
18 that does not exceed 2 additional consecutive years, provided
19 that the student has not yet reached a level of English
20 language proficiency sufficient to yield valid and reliable
21 information on what the student knows and can do on the regular
22 State test.

23 Reasonable accommodations as prescribed by the State Board
24 of Education shall be provided for individual students in the
25 testing procedure. All test procedures prescribed by the State
26 Board of Education shall require: (i) that each test used for
27 State and local student testing under this Section identify by
28 name the pupil taking the test; (ii) that the name of the pupil
29 taking the test be placed on the test at the time the test is
30 taken; (iii) that the results or scores of each test taken
31 under this Section by a pupil of the school district be
32 reported to that district and identify by name the pupil who
33 received the reported results or scores; and (iv) that the
34 results or scores of each test taken under this Section be made

1 available to the parents of the pupil. In addition, in each
2 school year the highest scores attained by a student on the
3 Prairie State Achievement Examination administered under
4 subsection (c) of this Section and any Prairie State
5 Achievement Awards received by the student shall become part of
6 the student's permanent record and shall be entered on the
7 student's transcript pursuant to regulations that the State
8 Board of Education shall promulgate for that purpose in
9 accordance with Section 3 and subsection (e) of Section 2 of
10 the Illinois School Student Records Act. Beginning with the
11 1998-1999 school year and in every school year thereafter,
12 scores received by students on the State assessment tests
13 administered in grades 3 through 8 shall be placed into
14 students' temporary records.

15 The State Board of Education shall establish a period of
16 time, to be referred to as the State test window, in each
17 school year for which State testing shall occur to meet the
18 objectives of this Section. However, if the schools of a
19 district are closed and classes are not scheduled during any
20 week that is established by the State Board of Education as the
21 State test window, the school district may (at the discretion
22 of the State Board of Education) move its State test window one
23 week earlier or one week later than the established State test
24 window, so long as the school district gives the State Board of
25 Education written notice of its intention to deviate from the
26 established schedule by December 1 of the school year in which
27 falls the State test window established by the State Board of
28 Education for the testing.

29 (a-5) All tests administered pursuant to this Section shall
30 be academically based. For the purposes of this Section
31 "academically based tests" shall mean tests consisting of
32 questions and answers that are measurable and quantifiable to
33 measure the knowledge, skill, and ability of students in the
34 subject matters covered by tests. The scoring of academically

1 based tests shall be reliable, valid, unbiased and shall meet
2 the guidelines for test development and use prescribed by the
3 American Psychological Association, the National Council of
4 Measurement and Evaluation, and the American Educational
5 Research Association. Academically based tests shall not
6 include assessments or evaluations of attitudes, values, or
7 beliefs, or testing of personality, self-esteem, or
8 self-concept. Nothing in this amendatory Act is intended, nor
9 shall it be construed, to nullify, supersede, or contradict the
10 legislative intent on academic testing expressed during the
11 passage of HB 1005/P.A. 90-296. Nothing in this Section is
12 intended, nor shall it be construed, to nullify, supersede, or
13 contradict the legislative intent on academic testing
14 expressed in the preamble of this amendatory Act of the 93rd
15 General Assembly.

16 The State Board of Education shall monitor the use of short
17 answer questions in the math and reading assessments or in
18 other assessments in order to demonstrate that the use of short
19 answer questions results in a statistically significant
20 improvement in student achievement as measured on the State
21 assessments for math and reading or on other State assessments
22 and is justifiable in terms of cost and student performance.

23 (b) It shall be the policy of the State to encourage school
24 districts to continuously test pupil proficiency in the
25 fundamental learning areas in order to: (i) provide timely
26 information on individual students' performance relative to
27 State standards that is adequate to guide instructional
28 strategies; (ii) improve future instruction; and (iii)
29 complement the information provided by the State testing system
30 described in this Section. ~~Each district's school improvement
31 plan must address specific activities the district intends to
32 implement to assist pupils who by teacher judgment and test
33 results as prescribed in subsection (a) of this Section
34 demonstrate that they are not meeting State standards or local~~

1 ~~objectives. Such activities may include, but shall not be~~
2 ~~limited to, summer school, extended school day, special~~
3 ~~homework, tutorial sessions, modified instructional materials,~~
4 ~~other modifications in the instructional program, reduced~~
5 ~~class size or retention in grade.~~ To assist school districts in
6 testing pupil proficiency in reading in the primary grades, the
7 State Board shall make optional reading inventories for
8 diagnostic purposes available to each school district that
9 requests such assistance. Districts that administer the
10 reading inventories may develop remediation programs for
11 students who perform in the bottom half of the student
12 population. Those remediation programs may be funded by moneys
13 provided under the School Safety and Educational Improvement
14 Block Grant Program established under Section 2-3.51.5.
15 ~~Nothing in this Section shall prevent school districts from~~
16 ~~implementing testing and remediation policies for grades not~~
17 ~~required under this Section.~~

18 (c) Beginning with the 2000-2001 school year, each school
19 district that operates a high school program for students in
20 grades 9 through 12 shall annually administer the Prairie State
21 Achievement Examination established under this subsection to
22 its students as set forth below. The Prairie State Achievement
23 Examination shall be developed by the State Board of Education
24 to measure student performance in the academic areas of
25 reading, writing, mathematics, science, and social sciences.
26 Beginning with the 2004-2005 school year, however, the State
27 Board of Education shall not test a student in the social
28 sciences (history, geography, civics, economics, and
29 government) as part of the Prairie State Achievement
30 Examination unless the student is retaking the Prairie State
31 Achievement Examination in the fall of 2004. In addition, the
32 State Board of Education shall not test a student in writing as
33 part of the Prairie State Achievement Examination during the
34 2005-2006 school year. The State Board of Education shall

1 establish the academic standards that are to apply in measuring
2 student performance on the Prairie State Achievement
3 Examination including the minimum examination score in each
4 area that will qualify a student to receive a Prairie State
5 Achievement Award from the State in recognition of the
6 student's excellent performance. Each school district that is
7 subject to the requirements of this subsection (c) shall afford
8 all students 2 opportunities to take the Prairie State
9 Achievement Examination beginning as late as practical during
10 the second semester of grade 11, but in no event before March
11 1. The State Board of Education shall annually notify districts
12 of the weeks during which these test administrations shall be
13 required to occur. Every individualized educational program as
14 described in Article 14 shall identify if the Prairie State
15 Achievement Examination or components thereof are appropriate
16 for that student. Each student, exclusive of a student whose
17 individualized educational program developed under Article 14
18 identifies the Prairie State Achievement Examination as
19 inappropriate for the student, shall be required to take the
20 examination in grade 11. For each academic area the State Board
21 of Education shall establish the score that qualifies for the
22 Prairie State Achievement Award on that portion of the
23 examination. Any student who fails to earn a qualifying score
24 for a Prairie State Achievement Award in any one or more of the
25 academic areas on the initial test administration or who wishes
26 to improve his or her score on any portion of the examination
27 shall be permitted to retake such portion or portions of the
28 examination during grade 12. Districts shall inform their
29 students of the timelines and procedures applicable to their
30 participation in every yearly administration of the Prairie
31 State Achievement Examination. Students receiving special
32 education services whose individualized educational programs
33 identify the Prairie State Achievement Examination as
34 inappropriate for them nevertheless shall have the option of

1 taking the examination, which shall be administered to those
2 students in accordance with standards adopted by the State
3 Board of Education to accommodate the respective disabilities
4 of those students. A student who successfully completes all
5 other applicable high school graduation requirements but fails
6 to receive a score on the Prairie State Achievement Examination
7 that qualifies the student for receipt of a Prairie State
8 Achievement Award shall nevertheless qualify for the receipt of
9 a regular high school diploma. In no case, however, shall a
10 student receive a regular high school diploma without taking
11 the Prairie State Achievement Examination, unless the student
12 is exempted from taking the Prairie State Achievement
13 Examination under this subsection (c) because (i) the student's
14 individualized educational program developed under Article 14
15 of this Code identifies the Prairie State Achievement
16 Examination as inappropriate for the student, (ii) the student
17 is exempt due to the student's lack of English language
18 proficiency under subsection (a) of this Section, or (iii) the
19 student is enrolled in a program of Adult and Continuing
20 Education as defined in the Adult Education Act.

21 (d) Beginning with the 2002-2003 school year, all schools
22 in this State that are part of the sample drawn by the National
23 Center for Education Statistics, in collaboration with their
24 school districts and the State Board of Education, shall
25 administer the biennial State academic assessments of 4th and
26 8th grade reading and mathematics under the National Assessment
27 of Educational Progress carried out under Section m11(b) (2) of
28 the National Education Statistics Act of 1994 (20 U.S.C. 9010)
29 if the Secretary of Education pays the costs of administering
30 the assessments.

31 (e) Beginning no later than the 2005-2006 school year,
32 subject to available federal funds to this State for the
33 purpose of student assessment, the State Board of Education
34 shall provide additional tests and assessment resources that

1 may be used by school districts for local diagnostic purposes.
2 These tests and resources shall include without limitation
3 additional high school writing, physical development and
4 health, and fine arts assessments. The State Board of Education
5 shall annually distribute a listing of these additional tests
6 and resources, using funds available from appropriations made
7 for student assessment purposes.

8 (f) For the assessment and accountability purposes of this
9 Section, "all pupils" includes those pupils enrolled in a
10 public or State-operated elementary school, secondary school,
11 or cooperative or joint agreement with a governing body or
12 board of control, a charter school operating in compliance with
13 the Charter Schools Law, a school operated by a regional office
14 of education under Section 13A-3 of this Code, or a public
15 school administered by a local public agency or the Department
16 of Human Services.

17 (Source: P.A. 93-426, eff. 8-5-03; 93-838, eff. 7-30-04;
18 93-857, eff. 8-3-04; 94-69, eff. 7-1-05; 94-642, eff. 1-1-06;
19 revised 10-11-05.)

20 (105 ILCS 5/10-17) (from Ch. 122, par. 10-17)

21 Sec. 10-17. Statement of affairs.

22 (a) In Class I or Class II county school units the school
23 board may use either a cash basis or accrual system of
24 accounting; however, any board so electing to use the accrual
25 system may not change to a cash basis without the permission of
26 the State Board of Education.

27 School Boards using either a cash basis or accrual system
28 of accounting shall maintain records showing the assets,
29 liabilities and fund balances in such minimum forms as may be
30 prescribed by the State Board of Education. Such boards shall
31 make available to the public ~~publish~~ a statement of the affairs
32 of the district prior to December 1 annually by submitting the
33 statement of affairs in such form as may be prescribed by the

1 State Board of Education for posting on the State Board of
2 Education's Internet website, by having copies of the statement
3 of affairs available in the main administrative office of the
4 district, and by publishing in a newspaper of general
5 circulation published in the school district an annual
6 statement of affairs summary containing at a minimum all of the
7 following information:

8 (1) A summary statement of operations for all funds of
9 the district, as excerpted from the statement of affairs
10 filed with the State Board of Education. The summary
11 statement must include a listing of all moneys received by
12 the district, indicating the total amounts, in the
13 aggregate, each fund of the district received, with a
14 general statement concerning the source of receipts.

15 (2) Except as provided in subdivision (3) of this
16 subsection (a), a listing of all moneys paid out by the
17 district where the total amount paid during the fiscal year
18 exceeds \$2,500 in the aggregate per person, giving the name
19 of each person to whom moneys were paid and the total paid
20 to each person.

21 (3) A listing of all personnel, by name, with an annual
22 fiscal year gross payment in the categories set forth in
23 subdivisions 1 and 2 of subsection (c) of this Section.

24 In this Section, "newspaper of general circulation" means a
25 newspaper of general circulation published in the school
26 district, or, if no newspaper is published in the school
27 district, a newspaper published in the county where the school
28 district is located or, if no newspaper is published in the
29 county, a newspaper published in the educational service region
30 where the regional superintendent of schools has supervision
31 and control of the school district. The submission to the State
32 Board of Education shall include an assurance that the
33 statement of affairs has been made available in the main
34 administrative office of the school district and that the

1 required notice has been published in accordance with this
2 Section.

3 After December 15 annually, upon 10 days prior written
4 notice to the school district, the State Board of Education may
5 discontinue the processing of payments to the State
6 Comptroller's office on behalf of any school district that is
7 not in compliance with the requirements imposed by this
8 Section. The State Board of Education shall resume the
9 processing of payments to the State Comptroller's Office on
10 behalf of the school district once the district is in
11 compliance with the requirements imposed by this Section.

12 The State Board of Education must post, on or before
13 January 15, all statements of affairs timely received from
14 school districts. ~~in a newspaper of general circulation~~
15 ~~published in the respective school districts and if no~~
16 ~~newspaper is published in the district then in a newspaper~~
17 ~~published in the county in which the school district is located~~
18 ~~and if no newspaper is published in the county then in a~~
19 ~~newspaper published in the educational service region in which~~
20 ~~the regional superintendent has supervision and control of such~~
21 ~~school district in such form as may be prescribed by the State~~
22 ~~Board of Education. Not later than December 15 annually the~~
23 ~~clerk shall file with the regional superintendent a certified~~
24 ~~statement that the publication has been made together with a~~
25 ~~copy of the newspaper containing it. After December 15 annually~~
26 ~~the regional superintendent of schools shall withhold from each~~
27 ~~treasurer any public moneys due to be distributed to the~~
28 ~~treasurer until the duties required under this Section have~~
29 ~~been complied with.~~

30 (b) When any school district is the administrative district
31 for several school districts operating under a joint agreement
32 as authorized by this ~~Code Act~~, no receipts or disbursements
33 accruing, received or paid out by that school district as such
34 an administrative district shall be included in the statement

1 of affairs of the district required by this Section. However,
2 that district shall have prepared and made available to the
3 public, in accordance with subsection (a) of this Section,
4 ~~published~~, in the same manner and subject to the same
5 requirements as are provided in this Section for the statement
6 of affairs of that district, a statement showing the cash
7 receipts and disbursements by funds (or the revenue, expenses
8 and financial position, if the accrual system of accounting is
9 used) of the district as such administrative district, in the
10 form prescribed by the State Board of Education. The costs of
11 publishing the notice and summary of this separate statement
12 prepared by such an administrative district shall be
13 apportioned among and paid by the participating districts in
14 the same manner as other costs and expenses accruing to those
15 districts jointly.

16 School districts on a cash basis shall have prepared and
17 made available to the public, in accordance with subsection (a)
18 of this Section, publish a statement showing the cash receipts
19 and disbursements by funds in the form prescribed by the State
20 Board of Education.

21 School districts using the accrual system of accounting
22 shall have prepared and made available to the public, in
23 accordance with subsection (a) of this Section, publish a
24 statement of revenue and expenses and a statement of financial
25 position in the form prescribed by the State Board of
26 Education.

27 In Class II county school units such statement shall be
28 prepared and made available to the public, in accordance with
29 subsection (a) of this Section, published by the township
30 treasurer of the unit within which such districts are located,
31 except with respect to the school board of any school district
32 that no longer is subject to the jurisdiction and authority of
33 a township treasurer or trustees of schools of a township
34 because the district has withdrawn from the jurisdiction and

1 authority of the township treasurer and trustees of schools of
 2 the township or because those offices have been abolished as
 3 provided in subsection (b) or (c) of Section 5-1, and as to
 4 each such school district the statement required by this
 5 Section shall be prepared and made available to the public, in
 6 accordance with subsection (a) of this Section, ~~published~~ by
 7 the school board of such district in the same manner as
 8 required for school boards of school districts situated in
 9 Class I county school units.

10 (c) The statement of affairs required pursuant to this
 11 Section shall contain ~~In Class I and Class II counties the~~
 12 ~~statement of school districts on either a cash or accrual basis~~
 13 ~~shall show~~ such ~~other~~ information as may be required by the
 14 State Board of Education, including:

15 1. Annual fiscal year gross payment for certificated
 16 personnel to be shown by name, listing each employee in one of
 17 the following categories:

18 (a) Under \$25,000 ~~\$15,000~~

19 (b) \$25,000 to \$39,999 ~~\$15,000 to \$24,999~~

20 (c) \$40,000 to \$59,999 ~~\$25,000 to \$39,999~~

21 (d) \$60,000 to \$89,999 ~~\$40,000 and over~~

22 (e) \$90,000 and over

23 2. Annual fiscal year payment for non-certificated
 24 personnel to be shown by name, listing each employee in one of
 25 the following categories:

26 (a) Under \$25,000 ~~\$15,000~~

27 (b) \$25,000 to \$39,999 ~~\$15,000 to \$24,999~~

28 (c) \$40,000 to \$59,999 ~~\$25,000 to \$39,999~~

29 (d) \$60,000 and over ~~\$40,000 and over~~

30 3. In addition to wages and salaries all other moneys in
 31 the aggregate paid to recipients of \$1,000 or more, giving the
 32 name of the person, firm or corporation and the total amount
 33 received by each.

34 4. Approximate size of school district in square miles.

- 1 5. Number of school attendance centers.
- 2 6. Numbers of employees as follows:
 - 3 (a) Full-time certificated employees;
 - 4 (b) Part-time certificated employees;
 - 5 (c) Full-time non-certificated employees;
 - 6 (d) Part-time non-certificated employees.
- 7 7. Numbers of pupils as follows:
 - 8 (a) Enrolled by grades;
 - 9 (b) Total enrolled;
 - 10 (c) Average daily attendance.
- 11 8. Assessed valuation as follows:
 - 12 (a) Total of the district;
 - 13 (b) Per pupil in average daily attendance.
- 14 9. Tax rate for each district fund.
- 15 10. District financial obligation at the close of the
16 fiscal year as follows:
 - 17 (a) Teachers' orders outstanding;
 - 18 (b) Anticipation warrants outstanding for each fund.
- 19 11. Total bonded debt at the close of the fiscal year.
- 20 12. Percent of bonding power obligated currently.
- 21 13. Value of capital assets of the district including:
 - 22 (a) Land;
 - 23 (b) Buildings;
 - 24 (c) Equipment.
- 25 14. Total amount of investments each fund.
- 26 15. Change in net cash position from the previous report
27 period for each district fund.

28 In addition to the above report, a report of expenditures
29 in the aggregate paid on behalf of recipients of \$500 or more,
30 giving the name of the person, firm or corporation and the
31 total amount received by each shall be available in the school
32 district office for public inspection. This listing shall
33 include all wages, salaries and expenditures over \$500 expended
34 from any revolving fund maintained by the district. Any

1 resident of the school district may receive a copy of this
2 report, upon request, by paying a reasonable charge to defray
3 the costs of preparing such copy.

4 This Section does not apply to cities having a population
5 exceeding 500,000.

6 (Source: P.A. 86-96; 86-1441; 87-191; 87-473; 87-895.)

7 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

8 Sec. 10-21.9. Criminal history records checks and checks of
9 the Statewide Sex Offender Database.

10 (a) Certified and noncertified applicants for employment
11 with a school district, except school bus driver applicants,
12 are required as a condition of employment to authorize a
13 fingerprint-based criminal history records check to determine
14 if such applicants have been convicted of any of the enumerated
15 criminal or drug offenses in subsection (c) of this Section or
16 have been convicted, within 7 years of the application for
17 employment with the school district, of any other felony under
18 the laws of this State or of any offense committed or attempted
19 in any other state or against the laws of the United States
20 that, if committed or attempted in this State, would have been
21 punishable as a felony under the laws of this State.
22 Authorization for the check shall be furnished by the applicant
23 to the school district, except that if the applicant is a
24 substitute teacher seeking employment in more than one school
25 district, a teacher seeking concurrent part-time employment
26 positions with more than one school district (as a reading
27 specialist, special education teacher or otherwise), or an
28 educational support personnel employee seeking employment
29 positions with more than one district, any such district may
30 require the applicant to furnish authorization for the check to
31 the regional superintendent of the educational service region
32 in which are located the school districts in which the
33 applicant is seeking employment as a substitute or concurrent

1 part-time teacher or concurrent educational support personnel
2 employee. Upon receipt of this authorization, the school
3 district or the appropriate regional superintendent, as the
4 case may be, shall submit the applicant's name, sex, race, date
5 of birth, social security number, fingerprint images, and other
6 identifiers, as prescribed by the Department of State Police,
7 to the Department. The regional superintendent submitting the
8 requisite information to the Department of State Police shall
9 promptly notify the school districts in which the applicant is
10 seeking employment as a substitute or concurrent part-time
11 teacher or concurrent educational support personnel employee
12 that the check of the applicant has been requested. The
13 Department of State Police and the Federal Bureau of
14 Investigation shall furnish, pursuant to a fingerprint-based
15 criminal history records check, records of convictions, until
16 expunged, to the president of the school board for the school
17 district that requested the check, or to the regional
18 superintendent who requested the check. The Department shall
19 charge the school district or the appropriate regional
20 superintendent a fee for conducting such check, which fee shall
21 be deposited in the State Police Services Fund and shall not
22 exceed the cost of the inquiry; and the applicant shall not be
23 charged a fee for such check by the school district or by the
24 regional superintendent. Subject to appropriations for these
25 purposes, the State Superintendent of Education shall
26 reimburse school districts and regional superintendents for
27 fees paid to obtain criminal history records checks under this
28 Section.

29 (a-5) The school district or regional superintendent shall
30 further perform a check of the Statewide Sex Offender Database,
31 as authorized by the Sex Offender and Child Murderer Community
32 Notification Law, for each applicant.

33 (b) Any information concerning the record of convictions
34 obtained by the president of the school board or the regional

1 superintendent shall be confidential and may only be
2 transmitted to the superintendent of the school district or his
3 designee, the appropriate regional superintendent if the check
4 was requested by the school district, the presidents of the
5 appropriate school boards if the check was requested from the
6 Department of State Police by the regional superintendent, the
7 State Superintendent of Education, the State Teacher
8 Certification Board or any other person necessary to the
9 decision of hiring the applicant for employment. A copy of the
10 record of convictions obtained from the Department of State
11 Police shall be provided to the applicant for employment. Upon
12 the check of the Statewide Sex Offender Database, the school
13 district or regional superintendent shall notify an applicant
14 as to whether or not the applicant has been identified in the
15 Database as a sex offender. If a check of an applicant for
16 employment as a substitute or concurrent part-time teacher or
17 concurrent educational support personnel employee in more than
18 one school district was requested by the regional
19 superintendent, and the Department of State Police upon a check
20 ascertains that the applicant has not been convicted of any of
21 the enumerated criminal or drug offenses in subsection (c) or
22 has not been convicted, within 7 years of the application for
23 employment with the school district, of any other felony under
24 the laws of this State or of any offense committed or attempted
25 in any other state or against the laws of the United States
26 that, if committed or attempted in this State, would have been
27 punishable as a felony under the laws of this State and so
28 notifies the regional superintendent and if the regional
29 superintendent upon a check ascertains that the applicant has
30 not been identified in the Sex Offender Database as a sex
31 offender, then the regional superintendent shall issue to the
32 applicant a certificate evidencing that as of the date
33 specified by the Department of State Police the applicant has
34 not been convicted of any of the enumerated criminal or drug

1 offenses in subsection (c) or has not been convicted, within 7
2 years of the application for employment with the school
3 district, of any other felony under the laws of this State or
4 of any offense committed or attempted in any other state or
5 against the laws of the United States that, if committed or
6 attempted in this State, would have been punishable as a felony
7 under the laws of this State and evidencing that as of the date
8 that the regional superintendent conducted a check of the
9 Statewide Sex Offender Database, the applicant has not been
10 identified in the Database as a sex offender. The school board
11 of any school district ~~located in the educational service~~
12 ~~region served by the regional superintendent who issues such a~~
13 ~~certificate to an applicant for employment as a substitute~~
14 ~~teacher in more than one such district~~ may rely on the
15 certificate issued by any ~~the~~ regional superintendent to that
16 substitute teacher, concurrent part-time teacher, or
17 concurrent educational support personnel employee applicant,
18 or may initiate its own criminal history records check of the
19 applicant through the Department of State Police and its own
20 check of the Statewide Sex Offender Database as provided in
21 subsection (a). Any person who releases any confidential
22 information concerning any criminal convictions of an
23 applicant for employment shall be guilty of a Class A
24 misdemeanor, unless the release of such information is
25 authorized by this Section.

26 (c) No school board shall knowingly employ a person who has
27 been convicted for committing attempted first degree murder or
28 for committing or attempting to commit first degree murder or a
29 Class X felony or any one or more of the following offenses:
30 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
31 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
32 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
33 Criminal Code of 1961; (ii) those defined in the Cannabis
34 Control Act except those defined in Sections 4(a), 4(b) and

1 5(a) of that Act; (iii) those defined in the Illinois
2 Controlled Substances Act; (iv) those defined in the
3 Methamphetamine Control and Community Protection Act; and (v)
4 any offense committed or attempted in any other state or
5 against the laws of the United States, which if committed or
6 attempted in this State, would have been punishable as one or
7 more of the foregoing offenses. Further, no school board shall
8 knowingly employ a person who has been found to be the
9 perpetrator of sexual or physical abuse of any minor under 18
10 years of age pursuant to proceedings under Article II of the
11 Juvenile Court Act of 1987.

12 (d) No school board shall knowingly employ a person for
13 whom a criminal history records check and a Statewide Sex
14 Offender Database check has not been initiated.

15 (e) Upon receipt of the record of a conviction of or a
16 finding of child abuse by a holder of any certificate issued
17 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
18 Code, the appropriate regional superintendent of schools or the
19 State Superintendent of Education shall initiate the
20 certificate suspension and revocation proceedings authorized
21 by law.

22 (f) After January 1, 1990 the provisions of this Section
23 shall apply to all employees of persons or firms holding
24 contracts with any school district including, but not limited
25 to, food service workers, school bus drivers and other
26 transportation employees, who have direct, daily contact with
27 the pupils of any school in such district. For purposes of
28 criminal history records checks and checks of the Statewide Sex
29 Offender Database on employees of persons or firms holding
30 contracts with more than one school district and assigned to
31 more than one school district, the regional superintendent of
32 the educational service region in which the contracting school
33 districts are located may, at the request of any such school
34 district, be responsible for receiving the authorization for a

1 criminal history records check prepared by each such employee
2 and submitting the same to the Department of State Police and
3 for conducting a check of the Statewide Sex Offender Database
4 for each employee. Any information concerning the record of
5 conviction and identification as a sex offender of any such
6 employee obtained by the regional superintendent shall be
7 promptly reported to the president of the appropriate school
8 board or school boards.

9 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
10 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)

11 (105 ILCS 5/27-1) (from Ch. 122, par. 27-1)

12 Sec. 27-1. Areas of education taught - discrimination on
13 account of sex. The State of Illinois, having the
14 responsibility of defining requirements for elementary and
15 secondary education, establishes that the primary purpose of
16 schooling is the transmission of knowledge and culture through
17 which children learn in areas necessary to their continuing
18 development and entry into the world of work. Such areas
19 include the language arts, mathematics, the biological,
20 physical and social sciences, the fine arts and physical
21 development and health.

22 Each school district shall give priority in the allocation
23 of resources, including funds, time allocation, personnel, and
24 facilities, to fulfilling the primary purpose of schooling.

25 The State Board of Education shall establish goals and
26 learning standards consistent with the above purposes and
27 define the knowledge and skills which the State expects
28 students to master and apply as a consequence of their
29 education.

30 Each school district shall establish learning objectives
31 consistent with the State Board of Education's goals and
32 learning standards for the areas referred to in this Section
33 ~~primary purpose of schooling~~, shall develop appropriate

1 testing and assessment systems for determining the degree to
2 which students are achieving the objectives, and shall develop
3 reporting systems to apprise the community and State of the
4 assessment results.

5 ~~Each school district shall submit upon request its~~
6 ~~objectives and assessment results, plans for improvement, and~~
7 ~~reporting systems to the State Board of Education, which shall~~
8 ~~promulgate rules and regulations for the approval of the~~
9 ~~objectives and systems.~~ Each school district shall make
10 available to all students academic and vocational courses for
11 the attainment of learning objectives.

12 No student shall be refused admission into or be excluded
13 from any course of instruction offered in the common schools by
14 reason of that person's sex. No student shall, solely by reason
15 of that person's sex, be denied equal access to physical
16 education and interscholastic athletic programs or comparable
17 programs supported from school district funds. This Section is
18 violated when a high school subject to this Act participates in
19 the post-season basketball tournament of any organization or
20 association that does not conduct post-season high school
21 basketball tournaments for both boys and girls, which
22 tournaments are identically structured. Conducting identically
23 structured tournaments includes having the same number of
24 girls' teams as boys' teams playing, in their respective
25 tournaments, at any common location chosen for the final series
26 of games in a tournament; provided, that nothing in this
27 paragraph shall be deemed to prohibit the selection for the
28 final series of games in the girls' tournaments of a common
29 location that is different than the common location selected
30 for the final series of games in the boys' tournaments. Except
31 as specifically stated in this Section, equal access to
32 programs supported by school district funds and comparable
33 programs will be defined in rules promulgated by the State
34 Board of Education in consultation with the Illinois High

1 School Association.

2 (Source: P.A. 87-934; 87-1215; 88-45.)

3 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

4 Sec. 29-5. Reimbursement by State for transportation. Any
5 school district, maintaining a school, transporting resident
6 pupils to another school district's vocational program,
7 offered through a joint agreement approved by the State Board
8 of Education, as provided in Section 10-22.22 or transporting
9 its resident pupils to a school which meets the standards for
10 recognition as established by the State Board of Education
11 which provides transportation meeting the standards of safety,
12 comfort, convenience, efficiency and operation prescribed by
13 the State Board of Education for resident pupils in
14 kindergarten or any of grades 1 through 12 who: (a) reside at
15 least 1 1/2 miles as measured by the customary route of travel,
16 from the school attended; or (b) reside in areas where
17 conditions are such that walking constitutes a hazard to the
18 safety of the child when determined under Section 29-3; and (c)
19 are transported to the school attended from pick-up points at
20 the beginning of the school day and back again at the close of
21 the school day or transported to and from their assigned
22 attendance centers during the school day, shall be reimbursed
23 by the State as hereinafter provided in this Section.

24 The State will pay the cost of transporting eligible pupils
25 less the assessed valuation in a dual school district
26 maintaining secondary grades 9 to 12 inclusive times a
27 qualifying rate of .05%; in elementary school districts
28 maintaining grades K to 8 times a qualifying rate of .06%; in
29 unit districts maintaining grades K to 12 times a qualifying
30 rate of .07%. To be eligible to receive reimbursement in excess
31 of 4/5 of the cost to transport eligible pupils, a school
32 district shall have a Transportation Fund tax rate of at least
33 .12%. If a school district does not have a .12% Transportation

1 Fund tax rate, the amount of its claim in excess of 4/5 of the
2 cost of transporting pupils shall be reduced by the sum arrived
3 at by subtracting the Transportation Fund tax rate from .12%
4 and multiplying that amount by the districts equalized or
5 assessed valuation, provided, that in no case shall said
6 reduction result in reimbursement of less than 4/5 of the cost
7 to transport eligible pupils.

8 The minimum amount to be received by a district is \$16
9 times the number of eligible pupils transported.

10 Any such district transporting resident pupils during the
11 school day to an area vocational school or another school
12 district's vocational program more than 1 1/2 miles from the
13 school attended, as provided in Sections 10-22.20a and
14 10-22.22, shall be reimbursed by the State for 4/5 of the cost
15 of transporting eligible pupils.

16 School day means that period of time which the pupil is
17 required to be in attendance for instructional purposes.

18 If a pupil is at a location within the school district
19 other than his residence for child care purposes at the time
20 for transportation to school, that location may be considered
21 for purposes of determining the 1 1/2 miles from the school
22 attended.

23 Claims for reimbursement that include children who attend
24 any school other than a public school shall show the number of
25 such children transported.

26 Claims for reimbursement under this Section shall not be
27 paid for the transportation of pupils for whom transportation
28 costs are claimed for payment under other Sections of this Act.

29 The allowable direct cost of transporting pupils for
30 regular, vocational, and special education pupil
31 transportation shall be limited to the sum of the cost of
32 physical examinations required for employment as a school bus
33 driver; the salaries of full or part-time drivers and school
34 bus maintenance personnel; employee benefits excluding

1 Illinois municipal retirement payments, social security
2 payments, unemployment insurance payments and workers'
3 compensation insurance premiums; expenditures to independent
4 carriers who operate school buses; payments to other school
5 districts for pupil transportation services; pre-approved
6 contractual expenditures for computerized bus scheduling; the
7 cost of gasoline, oil, tires, and other supplies necessary for
8 the operation of school buses; the cost of converting buses'
9 gasoline engines to more fuel efficient engines or to engines
10 which use alternative energy sources; the cost of travel to
11 meetings and workshops conducted by the regional
12 superintendent or the State Superintendent of Education
13 pursuant to the standards established by the Secretary of State
14 under Section 6-106 of the Illinois Vehicle Code to improve the
15 driving skills of school bus drivers; the cost of maintenance
16 of school buses including parts and materials used;
17 expenditures for leasing transportation vehicles, except
18 interest and service charges; the cost of insurance and
19 licenses for transportation vehicles; expenditures for the
20 rental of transportation equipment; plus a depreciation
21 allowance of 20% for 5 years for school buses and vehicles
22 approved for transporting pupils to and from school and a
23 depreciation allowance of 10% for 10 years for other
24 transportation equipment so used. Each school year, if a school
25 district has made expenditures to the Regional Transportation
26 Authority or any of its service boards, a mass transit
27 district, or an urban transportation district under an
28 intergovernmental agreement with the district to provide for
29 the transportation of pupils and if the public transit carrier
30 received direct payment for services or passes from a school
31 district within its service area during the 2000-2001 school
32 year, then the allowable direct cost of transporting pupils for
33 regular, vocational, and special education pupil
34 transportation shall also include the expenditures that the

1 district has made to the public transit carrier. In addition to
2 the above allowable costs school districts shall also claim all
3 transportation supervisory salary costs, including Illinois
4 municipal retirement payments, and all transportation related
5 building and building maintenance costs without limitation.

6 Special education allowable costs shall also include
7 expenditures for the salaries of attendants or aides for that
8 portion of the time they assist special education pupils while
9 in transit and expenditures for parents and public carriers for
10 transporting special education pupils when pre-approved by the
11 State Superintendent of Education.

12 Indirect costs shall be included in the reimbursement claim
13 for districts which own and operate their own school buses.
14 Such indirect costs shall include administrative costs, or any
15 costs attributable to transporting pupils from their
16 attendance centers to another school building for
17 instructional purposes. No school district which owns and
18 operates its own school buses may claim reimbursement for
19 indirect costs which exceed 5% of the total allowable direct
20 costs for pupil transportation.

21 The State Board of Education shall prescribe uniform
22 regulations for determining the above standards and shall
23 prescribe forms of cost accounting and standards of determining
24 reasonable depreciation. Such depreciation shall include the
25 cost of equipping school buses with the safety features
26 required by law or by the rules, regulations and standards
27 promulgated by the State Board of Education, and the Department
28 of Transportation for the safety and construction of school
29 buses provided, however, any equipment cost reimbursed by the
30 Department of Transportation for equipping school buses with
31 such safety equipment shall be deducted from the allowable cost
32 in the computation of reimbursement under this Section in the
33 same percentage as the cost of the equipment is depreciated.

34 On or before August 15 ~~July 10~~, annually, the chief school

1 administrator for the district shall certify to the ~~regional~~
2 ~~superintendent of schools upon forms prescribed by the~~ State
3 Superintendent of Education the district's claim for
4 reimbursement for the school year ending ~~ended~~ on June 30 next
5 preceding. ~~The regional superintendent of schools shall check~~
6 ~~all transportation claims to ascertain compliance with the~~
7 ~~prescribed standards and upon his approval shall certify not~~
8 ~~later than July 25 to the State Superintendent of Education the~~
9 ~~regional report of claims for reimbursements.~~ The State
10 Superintendent of Education shall check and approve the claims
11 and prepare the vouchers showing the amounts due for district
12 reimbursement claims. Each ~~Beginning with the 1977~~ fiscal year,
13 the State Superintendent of Education shall prepare and
14 transmit the first 3 vouchers to the Comptroller on the 30th
15 day of September, December and March, respectively, and the
16 final voucher, no later than June 20 ~~June 15~~.

17 If the amount appropriated for transportation
18 reimbursement is insufficient to fund total claims for any
19 fiscal year, the State Board of Education shall reduce each
20 school district's allowable costs and flat grant amount
21 proportionately to make total adjusted claims equal the total
22 amount appropriated.

23 For purposes of calculating claims for reimbursement under
24 this Section for any school year beginning July 1, 1998, or
25 thereafter, the equalized assessed valuation for a school
26 district used to compute reimbursement shall be computed in the
27 same manner as it is computed under paragraph (2) of subsection
28 (G) of Section 18-8.05.

29 All reimbursements received from the State shall be
30 deposited into the district's transportation fund or into the
31 fund from which the allowable expenditures were made.

32 Notwithstanding any other provision of law, any school
33 district receiving a payment under this Section or under
34 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may

1 classify all or a portion of the funds that it receives in a
2 particular fiscal year or from general State aid pursuant to
3 Section 18-8.05 of this Code as funds received in connection
4 with any funding program for which it is entitled to receive
5 funds from the State in that fiscal year (including, without
6 limitation, any funding program referenced in this Section),
7 regardless of the source or timing of the receipt. The district
8 may not classify more funds as funds received in connection
9 with the funding program than the district is entitled to
10 receive in that fiscal year for that program. Any
11 classification by a district must be made by a resolution of
12 its board of education. The resolution must identify the amount
13 of any payments or general State aid to be classified under
14 this paragraph and must specify the funding program to which
15 the funds are to be treated as received in connection
16 therewith. This resolution is controlling as to the
17 classification of funds referenced therein. A certified copy of
18 the resolution must be sent to the State Superintendent of
19 Education. The resolution shall still take effect even though a
20 copy of the resolution has not been sent to the State
21 Superintendent of Education in a timely manner. No
22 classification under this paragraph by a district shall affect
23 the total amount or timing of money the district is entitled to
24 receive under this Code. No classification under this paragraph
25 by a district shall in any way relieve the district from or
26 affect any requirements that otherwise would apply with respect
27 to that funding program, including any accounting of funds by
28 source, reporting expenditures by original source and purpose,
29 reporting requirements, or requirements of providing services.

30 Any school district with a population of not more than
31 500,000 must deposit all funds received under this Article into
32 the transportation fund and use those funds for the provision
33 of transportation services.

34 (Source: P.A. 92-568, eff. 6-26-02; 93-166, eff. 7-10-03;

1 93-663, eff. 2-17-04; 93-1022, eff. 8-24-04.)

2 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

3 Sec. 34-18.5. Criminal history records checks and checks of
4 the Statewide Sex Offender Database.

5 (a) Certified and noncertified applicants for employment
6 with the school district are required as a condition of
7 employment to authorize a fingerprint-based criminal history
8 records check to determine if such applicants have been
9 convicted of any of the enumerated criminal or drug offenses in
10 subsection (c) of this Section or have been convicted, within 7
11 years of the application for employment with the school
12 district, of any other felony under the laws of this State or
13 of any offense committed or attempted in any other state or
14 against the laws of the United States that, if committed or
15 attempted in this State, would have been punishable as a felony
16 under the laws of this State. Authorization for the check shall
17 be furnished by the applicant to the school district, except
18 that if the applicant is a substitute teacher seeking
19 employment in more than one school district, or a teacher
20 seeking concurrent part-time employment positions with more
21 than one school district (as a reading specialist, special
22 education teacher or otherwise), or an educational support
23 personnel employee seeking employment positions with more than
24 one district, any such district may require the applicant to
25 furnish authorization for the check to the regional
26 superintendent of the educational service region in which are
27 located the school districts in which the applicant is seeking
28 employment as a substitute or concurrent part-time teacher or
29 concurrent educational support personnel employee. Upon
30 receipt of this authorization, the school district or the
31 appropriate regional superintendent, as the case may be, shall
32 submit the applicant's name, sex, race, date of birth, social
33 security number, fingerprint images, and other identifiers, as

1 prescribed by the Department of State Police, to the
2 Department. The regional superintendent submitting the
3 requisite information to the Department of State Police shall
4 promptly notify the school districts in which the applicant is
5 seeking employment as a substitute or concurrent part-time
6 teacher or concurrent educational support personnel employee
7 that the check of the applicant has been requested. The
8 Department of State Police and the Federal Bureau of
9 Investigation shall furnish, pursuant to a fingerprint-based
10 criminal history records check, records of convictions, until
11 expunged, to the president of the school board for the school
12 district that requested the check, or to the regional
13 superintendent who requested the check. The Department shall
14 charge the school district or the appropriate regional
15 superintendent a fee for conducting such check, which fee shall
16 be deposited in the State Police Services Fund and shall not
17 exceed the cost of the inquiry; and the applicant shall not be
18 charged a fee for such check by the school district or by the
19 regional superintendent. Subject to appropriations for these
20 purposes, the State Superintendent of Education shall
21 reimburse the school district and regional superintendent for
22 fees paid to obtain criminal history records checks under this
23 Section.

24 (a-5) The school district or regional superintendent shall
25 further perform a check of the Statewide Sex Offender Database,
26 as authorized by the Sex Offender and Child Murderer Community
27 Notification Law, for each applicant.

28 (b) Any information concerning the record of convictions
29 obtained by the president of the board of education or the
30 regional superintendent shall be confidential and may only be
31 transmitted to the general superintendent of the school
32 district or his designee, the appropriate regional
33 superintendent if the check was requested by the board of
34 education for the school district, the presidents of the

1 appropriate board of education or school boards if the check
2 was requested from the Department of State Police by the
3 regional superintendent, the State Superintendent of
4 Education, the State Teacher Certification Board or any other
5 person necessary to the decision of hiring the applicant for
6 employment. A copy of the record of convictions obtained from
7 the Department of State Police shall be provided to the
8 applicant for employment. Upon the check of the Statewide Sex
9 Offender Database, the school district or regional
10 superintendent shall notify an applicant as to whether or not
11 the applicant has been identified in the Database as a sex
12 offender. If a check of an applicant for employment as a
13 substitute or concurrent part-time teacher or concurrent
14 educational support personnel employee in more than one school
15 district was requested by the regional superintendent, and the
16 Department of State Police upon a check ascertains that the
17 applicant has not been convicted of any of the enumerated
18 criminal or drug offenses in subsection (c) or has not been
19 convicted, within 7 years of the application for employment
20 with the school district, of any other felony under the laws of
21 this State or of any offense committed or attempted in any
22 other state or against the laws of the United States that, if
23 committed or attempted in this State, would have been
24 punishable as a felony under the laws of this State and so
25 notifies the regional superintendent and if the regional
26 superintendent upon a check ascertains that the applicant has
27 not been identified in the Sex Offender Database as a sex
28 offender, then the regional superintendent shall issue to the
29 applicant a certificate evidencing that as of the date
30 specified by the Department of State Police the applicant has
31 not been convicted of any of the enumerated criminal or drug
32 offenses in subsection (c) or has not been convicted, within 7
33 years of the application for employment with the school
34 district, of any other felony under the laws of this State or

1 of any offense committed or attempted in any other state or
2 against the laws of the United States that, if committed or
3 attempted in this State, would have been punishable as a felony
4 under the laws of this State and evidencing that as of the date
5 that the regional superintendent conducted a check of the
6 Statewide Sex Offender Database, the applicant has not been
7 identified in the Database as a sex offender. The school board
8 of any school district ~~located in the educational service~~
9 ~~region served by the regional superintendent who issues such a~~
10 ~~certificate to an applicant for employment as a substitute or~~
11 ~~concurrent part-time teacher or concurrent educational support~~
12 ~~personnel employee in more than one such district~~ may rely on
13 the certificate issued by any ~~the~~ regional superintendent to
14 that substitute teacher, concurrent part-time teacher, or
15 concurrent educational support personnel employee applicant,
16 or may initiate its own criminal history records check of the
17 applicant through the Department of State Police and its own
18 check of the Statewide Sex Offender Database as provided in
19 subsection (a). Any person who releases any confidential
20 information concerning any criminal convictions of an
21 applicant for employment shall be guilty of a Class A
22 misdemeanor, unless the release of such information is
23 authorized by this Section.

24 (c) The board of education shall not knowingly employ a
25 person who has been convicted for committing attempted first
26 degree murder or for committing or attempting to commit first
27 degree murder or a Class X felony or any one or more of the
28 following offenses: (i) those defined in Sections 11-6, 11-9,
29 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,
30 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15
31 and 12-16 of the Criminal Code of 1961; (ii) those defined in
32 the Cannabis Control Act, except those defined in Sections
33 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the
34 Illinois Controlled Substances Act; (iv) those defined in the

1 Methamphetamine Control and Community Protection Act; and (v)
2 any offense committed or attempted in any other state or
3 against the laws of the United States, which if committed or
4 attempted in this State, would have been punishable as one or
5 more of the foregoing offenses. Further, the board of education
6 shall not knowingly employ a person who has been found to be
7 the perpetrator of sexual or physical abuse of any minor under
8 18 years of age pursuant to proceedings under Article II of the
9 Juvenile Court Act of 1987.

10 (d) The board of education shall not knowingly employ a
11 person for whom a criminal history records check and a
12 Statewide Sex Offender Database check has not been initiated.

13 (e) Upon receipt of the record of a conviction of or a
14 finding of child abuse by a holder of any certificate issued
15 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
16 Code, the board of education or the State Superintendent of
17 Education shall initiate the certificate suspension and
18 revocation proceedings authorized by law.

19 (f) After March 19, 1990, the provisions of this Section
20 shall apply to all employees of persons or firms holding
21 contracts with any school district including, but not limited
22 to, food service workers, school bus drivers and other
23 transportation employees, who have direct, daily contact with
24 the pupils of any school in such district. For purposes of
25 criminal history records checks and checks of the Statewide Sex
26 Offender Database on employees of persons or firms holding
27 contracts with more than one school district and assigned to
28 more than one school district, the regional superintendent of
29 the educational service region in which the contracting school
30 districts are located may, at the request of any such school
31 district, be responsible for receiving the authorization for a
32 criminal history records check prepared by each such employee
33 and submitting the same to the Department of State Police and
34 for conducting a check of the Statewide Sex Offender Database

1 for each employee. Any information concerning the record of
2 conviction and identification as a sex offender of any such
3 employee obtained by the regional superintendent shall be
4 promptly reported to the president of the appropriate school
5 board or school boards.

6 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
7 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)

8 (105 ILCS 5/2-3.11b rep.)

9 (105 ILCS 5/2-3.25e rep.)

10 Section 10. The School Code is amended by repealing
11 Sections 2-3.11b and 2-3.25e.

12 Section 90. The State Mandates Act is amended by adding
13 Section 8.30 as follows:

14 (30 ILCS 805/8.30 new)

15 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
16 of this Act, no reimbursement by the State is required for the
17 implementation of any mandate created by this amendatory Act of
18 the 94th General Assembly.

19 Section 99. Effective date. This Act takes effect July 1,
20 2006."